

JOSEPH HAGE AARONSON LLC

800 THIRD AVENUE, 30TH FLOOR

NEW YORK, NEW YORK 10022

(212) 407-1200

WWW.JHANY.COM

October 31, 2023

VIA ECF AND FEDEX

Hon. Naomi Reice Buchwald
United States District Judge
500 Pearl Street
New York, NY 10007-1312

**Re: *Hitachi Construction Machinery Co., Ltd v. Weld Holdco, LLC*, 1:23-cv-00490-NRB
(the “Guarantee Action”) and *Hitachi Construction Machinery Co., Ltd v. Acme
Business Holdco, LLC*, 1:23-cv-01396 (the “Subrogation Action”)**

Dear Judge Buchwald:

Our firm represents Defendants Woodrow Weld and Weld Holdco, LLC (the “Weld Parties”) in the above-referenced action. With the Court’s permission, the Weld Parties are filing surreply papers in further support of their motion to compel arbitration in the above-captioned actions which address a document produced by Plaintiff Hitachi Construction Machinery (“HCM”). The document at issue was designated “Confidential” by HCM under the Protective Orders governing these actions. (Guarantee Action ECF No. 65; Subrogation Action ECF No. 89.)

Because HCM designated the document at issue as Confidential, Paragraph 7 of the Protective Orders require the Weld Parties to request the Court’s leave to have the surreply papers filed under seal. Pursuant to that paragraph and the Court’s Individual Rule of Practice 2.H.2, the Weld Parties hereby request the Court’s permission to file the surreply papers under seal, at least temporarily until HCM can be heard on the sealing issue. In making this application, the Weld Parties are not taking a position on whether HCM correctly designated the document at issue as “Confidential” under the Protective Orders or on whether the document at issue should be filed under seal.

The surreply papers have been temporarily filed under seal on the ECF dockets until the Court rules on this letter motion. (Guarantee Action ECF Nos. 68, 69; Subrogation Action ECF Nos. 92, 93.) Pursuant to the Court’s Individual Rule of Practice 2.H.2, a hard copy of this letter is being submitted to this Court with courtesy copies of the surreply papers.

Application
granted

Naomi

Reice

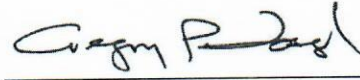
Buchwald,

USDJ

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gregory P. Joseph", is written over a horizontal line.

Gregory P. Joseph

Cc: All counsel of record (by ECF)

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